

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/893,342
Attorney Docket No.: Q65240

REMARKS

Claims 1, 2, 4, 5, 10, and 11 are all the claims pending in the application. Claims 1, 4, and 5 are amended. Claims 1 and 4 are amended to further clarify the invention. Claim 5 is editorially amended to cure a minor informality. By this Amendment, Applicant also adds claims 10 and 11. Finally, Applicant cancels claims 3 and 6-9.

I. Preliminary Matters

As preliminary matters, the Examiner has accepted the drawings. In addition, the Examiner has acknowledged the claim to foreign priority and confirmed that the certified copy of the priority documents was received.

Applicant thanks the Examiner for initialing the references listed on Form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on February 25, 2003. The Examiner, however, has not indicated receipt or consideration of the references listed on form listed on form PTO/SB/08 A & B submitted with the Information Disclosure Statements filed on June 28, 2001 and November 2, 2001. Applicant respectfully requests that the Examiner acknowledge receipt of the Information Disclosure Statements filed on June 28, 2001 and November 2, 2001 and initial and return a copy of the Forms PTO/SB/08 A & B. For Examiner's convenience, the Forms PTO/SB/08 A & B as filed in June 28 and November 2, 2001 are enclosed.

The Examiner objected to claim 5 because of a minor typographical error. It is appropriate and necessary for the Examiner to withdraw this objection in view of the self-explanatory claim amendment being made herein.

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II. Summary of the Office Action

Turning to the merits of the Office Action, claim 5 is rejected under 35 U.S.C. § 102(b) and claims 1-4 and 6-9 are rejected under 35 U.S.C. § 103(a).

III. Prior Art Rejections

With regard to the prior art rejections, claim 5 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,539,445 to Muramatsu et al. (hereinafter “Muramatsu”). Claims 1, 4, and 6 are rejected under 35 U.S.C. § 103(a) as being obvious over Applicant’s Admitted Prior Art (hereinafter “APA”) and claims 3, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being obvious over APA in view of Muramatsu. Finally, claims 2 and 9 are rejected under 35 U.S.C. § 103(a) as being obvious over APA and Muramatsu in view of U.S. Patent No. 5,880,851 to Imada (hereinafter “Imada”). Applicant respectfully traverses these rejections in view of the following comments.

Rejection Under § 102

To begin, the Examiner rejected claim 5 under 35 U.S.C. § 102(b) as being anticipated by Muramatsu. The Examiner’s careful reconsideration is submitted to be appropriate in view of the following comments traversing the rejection. Independent claim 5, among a number of unique features, recites:

a reading-operation control unit which executes such controls that when the copy-job management information is formed by the copy-job management information forming unit, the reading-operation control unit causes the scanner identified by scanner identifying information contained in the copy-job management information to start an operation of reading an image on an original document

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set on the scanner, and the reading-operation control unit associates the image data which the scanner outputs as the result of the reading operation with the copy-job management information and stores the image data into the data storing unit whether or not a printer identified by printer identifying information contained in the copy-job management information is in operation...

The Examiner alleges that Muramatsu discloses these unique features of claim 5. In particular, the Examiner states that Muramatsu's CPU 103 controls the operation of the scanning unit 10 and could arguably read on the "reading operation control unit" and that the printer is always either operating or not operating (see pages 5-6 of the Office Action). This ground of rejection is respectfully submitted to be incorrect as a legal matter and as a technical matter. Muramatsu's discussion of the CPU 103 and printer PRT has been carefully studied, and such teachings in Muramatsu are very dissimilar.

That is, claim 5 recites: "...stores the image data into the data storing unit whether or not a printer identified by printer identifying information contained in the copy-job management information is in operation..." Although, as alleged by the Examiner, the printer is always in either operating state or not, this element does not meet the unique feature of claim 5. That is, in claim 5, it is disclosed that the image data is stored into the data storing unit whether or not a printer....is in operation. Muramatsu, only discloses that after the data is read in and stored, the data may be transmitted for printing to a printing device (col. 3, lines 15 to 39). That is, in Muramatsu, there is no teaching or suggestion that the data will be stored in the memory during a printing operation. In other words, Muramatsu does not teach or suggest a device capable of storing image data in memory whether or not the printing operation is executed. Muramatsu is

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no different from the conventional techniques in that it discloses: first, reading in the document, and only then, transmitting it to the printer.

In an alternative technique of Muramatsu, direct operation mode, the data from the image reader IR without being stored are simultaneously printed by the printer PRT (col. 12, lines 10 to 13). However, when the data is stored in memory from the IR unit, it is first stored and only then printed (col. 13, lines 12 to 16). In short, Muramatsu fails to disclose a reading operation control unit as set forth in claim 5.

In summary, the deficiencies of the Muramatsu reference fall to the Examiner's burden to show inherent inclusion of the claim elements. Therefore, for all the above reasons, independent claim 5 is patentable. It is appropriate and necessary for the Examiner to withdraw this rejection of claim 5.

Rejections Under § 103

Next, turning to the § 103 rejections, claims 1, 4, and 6 are rejected as being obvious over the APA, claims 3, 7, and 8 are rejected as being obvious over APA in view of Muramatsu, and claims 2 and 9 as being obvious over Muramatsu in view of Imada. The Examiner's careful reconsideration is submitted to be appropriate in view of the following comments traversing these rejections.

Claims 3 and 6-9 have been canceled. Therefore, these rejections are rendered moot with respect to these canceled claims 3 and 6-9.

Of the remaining rejected claims 1, 2, and 4, only claims 1 and 4 are independent. To begin, independent claim 1 recites:

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a reading-operation control unit which executes such controls that when the start-command accepting unit accepts the start-command of the copy job, the reading-operation control unit causes the reading unit to start the reading operation of reading the image on the original document set to the reading unit and the reading-operation control unit stores the image data output from the reading unit into the data storing unit whether the printing unit is operating or not...

The Examiner alleges that the reading-operation control unit is obvious in view of the APA. The Examiner, however, neglects to explain how the unique feature of “the reading-operation control unit stores the image data output from the reading unit into the data storing unit whether the printing unit is operating or not,” as set forth in claim 1 is met by the APA (see page 9 of the Office Action).

It is respectfully pointed out, that the APA does not teach or suggest storing data regardless of whether the printing unit is on or not. On the contrary, the APA specifically discloses that first the reading and storing of the image data must be completed before the printing operation begins (Fig. 18; pages 3-5 of the specification). In short, the APA does not teach or suggest the reading operation control unit that stores image data whether the printing unit is operating or not.

In summary, the deficiencies of the APA fall to the Examiner’s burden to show that the inclusion of the claim elements is obvious. Therefore, for all the above reasons, independent claim 1 is patentable. It is appropriate and necessary for the Examiner to withdraw this rejection of claim 1.

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Moreover, Muramatsu does not cure the deficient teachings of the APA. The combined teachings of the APA and Muramatsu do not render obvious the unique combination of features set forth in claim 1. Claim 1, as now amended, recites:

a display control unit which executes such controls that the display control unit causes the display, for informing a user, to display a state of the process executed by the reading unit and a state of the process executed by the printing unit during the operation of the reading-operation control unit and the printing-operation control unit, and the display control unit causes the display, for informing a user, to display a state that the start-command accepting unit can accept the start command of the copy job and the state of the process executed by the printing unit when the reading-operation control unit is not in operation and the printing-operation control unit is in operation.

The Examiner acknowledges that the APA does not teach or suggest the unique features of claim 1 set forth above (see page 12 of the Office Action). The Examiner, however, alleges that Muramatsu cures the deficient teachings of the APA. Specifically, the Examiner alleges that “Muramatsu discloses in column 6, lines 57-63 that the various states of the copying apparatus 1 ... and the operation modes of the copying apparatus 1 ..., display other various information...” (see page 13 of the Office Action). Furthermore, the Examiner alleges that there is motivation for the display of such information, which is to enable users to know the progress in which the copier/printer is making (see page 13 of the Office Action). Applicant respectfully disagrees.

For example, in the illustrative embodiment, a copying machine is configured to start the copying process before the previous copying process is completed provided that a reading-

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operation concerning the copying process is completed. Further, the copying machine is configured to display whether or not the next copying process can be started and to display a state of the copying process. That is, a user can easily grasp the operating state (whether the copying process can be started, a time required for completing the copy process) of the copying machine from information displayed on the display. Accordingly, based on the information (operating state) displayed on the display screen, the user who wants to use the copying machine can make a determination whether to wait until the copying machine accepts the copying process or to postpone using the copying machine *i.e.*, leaving the copying machine until a later time or using another copying machine. The foregoing remarks relate to the claimed invention in a general sense. These remarks are provided for improving Examiner's understanding of the distinguishing features of claim 1 set forth above and not to limit the claimed invention.

Applicant respectfully submits that the combined teachings of the APA and Muramatsu with the motivation provided by the Examiner would not have and could not have rendered the invention set forth in claim 1 obvious. With the motivation provided by the Examiner, one of ordinary skill in art would have merely modified Muramatsu to display the processing state of the copying machine. One of ordinary skill in the art, however, would not have been motivated to display a state of the start-command accepting unit *i.e.*, that this unit can accept the start command of the copy job and the state of the process executed by the printing unit when the reading-operation control unit is not in operation and when the printing-operation control unit is in operation. Applicant respectfully submits that Muramatsu's disclosure display the processing state of the copying machine does not render obvious displaying the state of the start-command

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accepting unit and the state of the process executed by the printing unit when the read-operating unit is or is not in operation. Therefore, it is respectfully submitted that claim 1 is patentable over the APA in view of Muramatsu.

With respect to claim 4, it recites features similar to the features argued above with respect to claim 1. Since claim 4 contains features that are similar to the features argued above with respect to claim 1, the arguments presented above are respectfully submitted to apply with equal force here. For at least substantially analogous reasons, claim 4 is patentable over the APA.

Finally, claim 2 is rejected as being obvious over the APA and Muramatsu in view of Imada. The Examiner's careful reconsideration is submitted to be appropriate in view of the following comments. Claim 2 depends on claim 1. It was already demonstrated that the combined teachings of the APA and Muramatsu do not teach or suggest the unique features of claim 1. Imada is only cited for its teaching of halting the operation of the copying machine and as such does not cure the deficient teachings of the APA. Therefore, claim 1 is patentable over the combined teachings of the APA, Muramatsu, and Imada. Claim 2 is patentable at least by virtue of its dependency. Therefore, it is appropriate and necessary for the Examiner to withdraw this rejection.

New Claim

In order to provide more varied protection, Applicant adds new claims 10 and 11. Claim 10 is patentable at least by virtue of its dependency on claim 1. Claim 11 is patentable at least by virtue of its recitation of "a display control unit which executes such controls that the display

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control unit causes the display, for informing a user, to display a state of the process executed by the reading unit and a state of the process executed by the printing unit during the operation of the reading-operation control unit and the printing-operation control unit, and the display control unit causes the display, for informing a user, to display a state that the start-command accepting unit can accept the start command of the copy job and the state of the process executed by the printing unit when the reading-operation control unit is not in operation and the printing-operation control unit is in operation.”

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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